IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
MONDAY, THE FOURTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE K.C. BHANU
WRIT PETITION NO : 9415 of 2004

Between:

R.N. Shelly, s/o R.R.Shelly,
R/o 281/C, CIB Quarters,
Kachiguda, Hyderabad.

..... PETITIONER

AND

The Depot Manager
APSRTC., Musheerabad Depot,
hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the Charge Sheet Dt: 19.5.2004 and the suspension order in Proc. No. 02/95(20)/2004-MSRD dt: 19.5.2004 issued by the Respondent as arbitrary illegal, unjust, untenable in violation of principles of natural justice contrary to APSRTC, Conduct Regulations Victimization and also in violation of Articles 14 & 21 of the Constitution of India and consequently set-aside the same.

Counsel for the Petitioner: MR.P.SRIDHAR RAO

Counsel for the Respondents: MR.K.HARINATH,SC FOR APSRTC

The Court Made the Following :
ORAL ORDER:

The petitioner was placed under suspension by the respondent-Corporation on the ground that the writ petitioner collected an amount of Rs.3/- from one passenger but issued him a ticket worth about Rs.2/-, and it amounts to misconduct and violation of Reg.28 (vi.a) of APSRTC Employees (Conduct) Reg.1973.

According to the writ petitioner, at the time of checking the tickets by the Checking officials, 60 passengers were travelling in the bus. Except the petitioner issuing a ticket No.095/137218 to one passenger, there were no other irregularities found in respect of either cash or ticket.

Heard both sides.

The only allegation is that the petitioner received Rs.3/- from one passenger but issued him a ticket worth about Rs.2/-. Except the said allegation, the charge sheet does not contain any other allegations of this nature. The charge sheet also did not show whether the writ petitioner was involved in any other cases similar to the present one.

The mere fact that the writ petitioner collected only one rupee extra from the passenger, in my considered opinion, does not warrant the authorities to suspend an employee. Therefore, the suspension order can be revoked.

Accordingly, the suspension proceedings No.02/95 (20)/2004-MSRD, dated 19.05.2004 is only revoked and the respondent is at liberty to proceed with the enquiry against the petitioner as per law and complete the same within a period of two months from today.

With the above observation, the writ petition is disposed of at the stage of admission. In the circumstances, there shall be no order as to costs.

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

Copy to:

1. The Depot Manager
   APSRTC., Musheerabad Depot,
   Hyderabad.
2. 2 C.D copies.

Note: Furnish copy in two days

B/o

Ycr/bcj